

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DEBORAH L. CRAWLEY,

Plaintiff,

v.

LISA GIRTON,

Defendant.

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CAUSE NO. 3:04-CV-626 JTM

REPORT AND RECOMMENDATION

Plaintiff initially filed this action on September 22, 2004, in the Southern District of Indiana. On October 1, 2004, this case was transferred to this district. Plaintiff, however, never served Defendant with a summons and complaint as required by Fed. R. Civ. P. 4. On August 12, 2005, this Court ordered Plaintiff to serve Defendant with a summons and complaint in accordance with Rule 4 by September 30, 2005.

As of this date, Plaintiff has failed to file anything with this Court indicating that she has properly served a summons and a complaint upon Defendant. Because this Court has given Plaintiff a warning and ample opportunity to correct her deficiency in service, and because Plaintiff has failed to respond in any way since this Court's last order, this Court **RECOMMENDS** that Plaintiff's case be **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 4(m), for failure to effectuate service.

NOTICE IS HEREBY GIVEN that within ten (10) days after being served with a copy of this recommended disposition a party may serve and file specific, written objections to the proposed findings and/or recommendations. Fed. R. Civ. P. 72(b). FAILURE TO FILE OBJECTIONS WITHIN THE SPECIFIED TIME WAIVES THE RIGHT TO APPEAL THE DISTRICT COURT'S ORDER.

SO ORDERED.

Dated this 6th Day of October, 2005.

s/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge